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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,354	02/05/1999	CHARLES MARIE HERVE NOBLET	Q53197	4832

7590 11/16/2004

SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER

TRAN, KHANH C

ART UNIT PAPER NUMBER

2631

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/245,354

Applicant(s)

NOBLET, CHARLES MARIE  
HERVE

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The Amendment filed on 07/16/2004. Claims 1-13 and 15-20 are pending in this Office action.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz et al. U.S. Patent 5,790,952.

Regarding claim 1, Seazholtz et al. is directed to beacon system using cellular digital packet data (CDPD) communication for roaming cellular stations. In one embodiment (column 22 lines 37-64), Seazholtz et al. teaches the use of a universal beacon frequency to which all participating subscriber station handsets could be pre-programmed to automatically tune. The CDPD beacon utilizes a

universal dedicated cellular digital packet data (CDPD) frequency to which all mobile subscribers in a predetermined geographic area would tune to obtain registration data.

In column 22 lines 54-64, a mobile subscriber station handset is programmed to automatically tune to aforementioned universal CDPD frequency to obtain beacon data. Hence, the mobile subscriber station handset receives communications from the universal dedicated cellular digital packet data (CDPD) frequency. In column 43 lines 6-19, Seazholtz et al. discloses that the beacon frequency is separate from a CDPD channel. According to Seazholtz et al. teachings, a radiotelephone subscriber unit has means for automatically tuning to a predetermined beacon frequency to obtain beacon data, and means for tuning to a CDPD channel responsive to the beacon data. In light of the foregoing disclosure, it would have been obvious for one of ordinary skill in the art at the time the invention was made that the beacon frequency is separate from a CDPD channel, and can be equated to a beacon channel, which corresponds to the claimed first dedicated channel. The CDPD channel responsive to the beacon data corresponds to the claimed second channel.

As recited above, Seazholtz et al. teaches a radio subscriber unit arranged for use in a communication system having one beacon operating at a predetermined frequency. The radio subscriber unit comprises means for automatically tuning to the predetermined beacon frequency to obtain beacon data, means for tuning to a CDPD channel responsive to the beacon data,

means for downloading communication system data using the CDPD channel. In light of the foregoing, beacon data is broadcast over predetermined beacon frequency, corresponding to the claimed step of broadcasting on the first dedicated channel. The beacon data includes the frequency of the CDPD channel to which the radio subscriber unit is tuned. The CDPD channel corresponds to the claimed second channel from which re-programming data is downloaded. The cited communication system is CDPD system operating in accordance with the CDPD specification, Version 1.1. Hence, the subscriber station handsets are preprogrammed to accommodate CDPD operation, see column 9, line 67 through column 10 line 20. Therefore, as appreciated by one of ordinary skill in the art, beacon data includes frequency of the CDPD channel, and radio access parameters of the CDPD channel, which corresponds to the claimed *"at least the frequency and radio access parameters of a second channel from which re-programming data is downloaded"*.

Because the beacon and the CDPD channel operates in accordance with CDPD specification in a predetermined geographic area, it would have been obvious for one of ordinary skill in the art at the time the invention was made that beacon data includes the radio access parameters as discussed above contains access parameters in accordance with CDPD specification supported by the network in that predetermined geographic area. The aforementioned teachings correspond to the claimed *"wherein the radio access parameters comprise parameters indicative of communication standards supported by the network"*.

Seazholtz et al. does not expressly teach that bandwidth of the CDPD beacon is narrower than that of CDPD channel. Nevertheless, the CDPD beacon utilizes one dedicated CDPD frequency (see column 22, lines 40-46) while CDPD channel has a plurality of CDPD frequencies. As result of that, bandwidth of the CDPD beacon is narrower than that of CDPD channel as appreciated by a person of average skill in the art.

Seazholtz et al. does not expressly disclose the CDPD beacon is the claimed pilot channel. However, because the CDPD beacon operates, as discussed above, in the same manner as the claimed pilot channel, it would have been obvious for one of ordinary skill in the art at the time the invention was made that the CDPD beacon performs function as of the pilot channel claimed in the instant application. In column 22 lines 54-64, the CDPD beacon frequency includes control frequencies dedicated to subscribers of particular carrier or service providers, frequencies used to direct the roaming subscriber to various voice channels to receive different types of data. Clearly, the teaching suggests that the CDPD beacon frequency is separate from a traffic (e.g. voice) channel and a control channel.

Regarding claim 2, as discussed above, in the embodiment of beacon operation, a beacon, having a dedicated universal beacon frequency to which all participating subscriber station handsets can be programmed to automatically tune, is employed to cover a predetermined geographic area. The beacon operates in accordance to the

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CDPD specification supported by networks in the predetermined geographic area. As discussed in claim 1, the beacon channel corresponds to the claimed first dedicated channel. In view of that, the CDPD specification corresponds to the claimed standard radio interface common to a plurality of networks locations.

Regarding claim 3, as discussed in claim 1, the CDPD channel corresponds to the claimed second channel. Using analogous argument as for claim 2, the CDPD channel operates in accordance to the CDPD specification supported by networks in the predetermined geographic area. The CDPD specification corresponds to the claimed standard radio interface common to a plurality of networks locations.

Regarding claim 4, as recited in claim 1, in column 22 lines 54-64, the CDPD beacon frequency includes control frequencies dedicated to subscribers of particular carrier or service providers, frequencies used to direct the roaming subscriber to various voice channels to receive different types of data. Hence, the control frequencies, broadcast on the beacon frequency, dedicated to subscribers of particular carrier or service providers correspond to the claimed "list of set parameters corresponding to networks available in the region on the first dedicated channel".

Regarding claims 5-6, claims 5-6 are rejected on the same ground as for claim 4.

Regarding claim 7, in column 9 line 63 through column 10 line 20, the subscriber station handsets are modified to accommodate CDPD operation in accordance to the CDPD specification. In view of that, the subscriber station handsets are configured to support the radio interfaces for both beacon channel and the CDPD channel.

Regarding claim 8, claim 8 is rejected on the same ground as for claim 1 because of similar scope. Furthermore, the universal dedicated CDPD frequency for beacon operation corresponds to the claimed first dedicated channel. The CDPD channel responsive to beacon data corresponds to the claimed second channel, see column 43 lines 5-19. As discussed in claim 1, the beacon channel has a single CDPD frequency and the CDPD channel has a plurality of CDPD frequencies. Consequently, bandwidth of the beacon channel is narrower than the bandwidth of the second channel. In column 43 lines 5-19, the radiotelephone subscriber unit has means for downloading system data using the CDPD channel. The system data corresponds to the claimed re-programming data.

Regarding claim 9, claim 9 is rejected on the same ground as for claim 2.

Regarding claim 10, claim 10 is rejected on the same ground as for claim 3.

Regarding claims 11-13, claims 11-13 are rejected on the same ground as for claim 4.



***Allowable Subject Matter***

4. Claims 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

TESTALDIT DOCU  
PRIMARY EXAMINER

